

**U.S. District Court
Western District of Missouri (Kansas City)
CIVIL DOCKET FOR CASE #: 4:17-cv-01037-ODS**

Sheppard v. United States Department of Justice
Assigned to: District Judge Ortrie D. Smith
Cause: 05:552 Freedom of Information Act

Date Filed: 12/15/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Bryan E Sheppard

represented by **Stephanie Sowers Sankar**
Shook, Hardy & Bacon, LLP-KCMO
2555 Grand Boulevard
Kansas City, MO 64108-2613
(816) 559-2580
Fax: (816) 421-2708
Email: ssankar@shb.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Megan Egli
Shook, Hardy & Bacon, LLP-KCMO
2555 Grand Boulevard
Kansas City, MO 64108-2613
(816) 474-6550
Fax: (816) 421-5547
Email: megli@shb.com
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Justice

represented by **Jane Pansing Brown**
United States Attorney's Office
400 E 9th St
Room 5510
Kansas City, MO 64106
(816)426-2605
Fax: (816)426-3126
Email: jane.brown@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey P. Ray
United States Attorney's Office-KCMO
400 E 9th Street
Suite 5510
Kansas City, MO 64106
(816) 426-3130
Fax: (816) 426-3165
Email: Jeffrey.Ray@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/15/2017	1	COMPLAINT against United States Department of Justice filed by Stephanie Sowers Sankar on behalf of Bryan E Sheppard. Filing fee \$400, receipt number 0866-5558999. Service due by 3/15/2018 unless otherwise directed by the court. (Attachments: # 1 Civil Cover Sheet)(Sankar, Stephanie) (Entered: 12/15/2017)

12/18/2017	<u>2</u>	NOTICE OF INCLUSION FOR MEDIATION AND ASSESSMENT PROGRAM (MAP). REVIEW NOTICE AND MAP GENERAL ORDER CAREFULLY FOR IMPORTANT CHANGES, DEADLINES AND REQUIREMENTS. Notice of MAP assignment to an outside mediator. (Attachments: # <u>1</u> MAP General Order)(Woods, Gloria) (Entered: 12/18/2017)
12/28/2017		SUMMONS ISSUED as to United States Department of Justice. (Woods, Gloria) (Entered: 12/28/2017)
02/01/2018	<u>3</u>	MOTION for extension of time to file answer re <u>1</u> Complaint, filed by Jeffrey P. Ray on behalf of United States Department of Justice. Suggestions in opposition/response due by 2/15/2018 unless otherwise directed by the court. (Related document(s) <u>1</u>) (Attorney Jeffrey P. Ray added to party United States Department of Justice(pty:dft))(Ray, Jeffrey) (Entered: 02/01/2018)
02/01/2018	<u>4</u>	RULE 16 NOTICE – Rule 26 conference due by 3/19/2018. Proposed scheduling order due by 4/2/2018. Signed on 2/1/18 by District Judge Ortrie D. Smith. (O'Connor, Stacy) (Entered: 02/01/2018)
02/01/2018	<u>5</u>	RULE 502(d) ORDER – Signed on 2/1/18 by District Judge Ortrie D. Smith. (O'Connor, Stacy) (Entered: 02/01/2018)
02/07/2018		NOTICE of filing: Mediation and Assessment Program Reminder: Your Designation of Mediator is due soon (filed as an ADR event in CM/ECF). See Notice of Inclusion and MAP General Order for specifics. (ADI, MAP) (Entered: 02/07/2018)
02/08/2018	<u>6</u>	NOTICE of appearance by Jane Pansing Brown on behalf of United States Department of Justice (Attorney Jane Pansing Brown added to party United States Department of Justice(pty:dft))(Brown, Jane) (Entered: 02/08/2018)
02/14/2018	<u>7</u>	RETURN OF SERVICE of complaint executed by Bryan E Sheppard. United States Department of Justice served on 1/2/2018. (Sankar, Stephanie) (Entered: 02/14/2018)
02/16/2018	<u>8</u>	ORDER granting <u>3</u> the United States Department of Justice's Motion for Extension of Time to File Answer or Otherwise Respond to Complaint. For good cause stated and without objection from Plaintiff, the motion is granted. The United States Department of Justice shall file its answer or otherwise respond to Plaintiff's Complaint on or before 3/2/2018. Signed on 2/16/2018 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 02/16/2018)
03/01/2018	<u>9</u>	Second MOTION for extension of time <i>to file answer or otherwise respond to Complaint</i> filed by Jane Pansing Brown on behalf of United States Department of Justice. Suggestions in opposition/response due by 3/15/2018 unless otherwise directed by the court. (Brown, Jane) (Entered: 03/01/2018)
03/02/2018	<u>10</u>	ORDER granting <u>9</u> Defendant's unopposed second motion for extension of time. Defendant shall file its answer or otherwise respond to Plaintiff's Complaint on or before April 3, 2018. Absent extenuating circumstances, no further of extension of time will be granted. Signed on 3/2/2018 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 03/02/2018)
03/29/2018	<u>11</u>	ANSWER to <u>1</u> Complaint, on behalf of United States Department of Justice.(Brown, Jane) (Entered: 03/29/2018)
04/02/2018	<u>12</u>	MOTION for extension of time <i>to File Scheduling Order</i> filed by Stephanie Sowers Sankar on behalf of Bryan E Sheppard. Suggestions in opposition/response due by 4/16/2018 unless otherwise directed by the court. (Sankar, Stephanie) (Entered: 04/02/2018)
04/03/2018	<u>13</u>	ORDER granting <u>12</u> Plaintiff's unopposed motion for enlargement of time to file joint proposed scheduling order. The parties shall file their joint proposed scheduling order due by 5/7/2018. Signed on 4/3/2018 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 04/03/2018)

05/03/2018	<u>14</u>	Joint PROPOSED SCHEDULING ORDER by Bryan E Sheppard. (Sankar, Stephanie) (Entered: 05/03/2018)
05/07/2018	<u>15</u>	ORDER SETTING BRIEFING SCHEDULE. Signed on 5/7/18 by District Judge Ortrie D. Smith. (Matthes Mitra, Renea) (Entered: 05/07/2018)
08/06/2018	<u>16</u>	MOTION for extension of time <i>to file motion for summary judgment</i> filed by Jane Pansing Brown on behalf of United States Department of Justice. Suggestions in opposition/response due by 8/20/2018 unless otherwise directed by the court. (Brown, Jane) (Entered: 08/06/2018)
08/07/2018	<u>17</u>	ORDER (1) GRANTING DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME, AND (2) AMENDING BRIEFING SCHEDULE, <u>16</u> . Signed on 8/7/18 by District Judge Ortrie D. Smith. (Matthes Mitra, Renea) (Entered: 08/07/2018)
09/11/2018	<u>18</u>	MOTION for summary judgment filed by Jane Pansing Brown on behalf of United States Department of Justice. Suggestions in opposition/response due by 10/2/2018 unless otherwise directed by the court. (Brown, Jane) (Entered: 09/11/2018)
09/11/2018	<u>19</u>	NOTICE of filing <i>Defendant's Statement of Material Facts as to which there is no genuine issue</i> by United States Department of Justice re <u>18</u> MOTION for summary judgment (Attachments: # <u>1</u> Declaration with Exhibits 1 – 12)(Brown, Jane) (Entered: 09/11/2018)
09/11/2018	<u>20</u>	SUGGESTIONS in support re <u>18</u> MOTION for summary judgment (<i>Memorandum and Points of Authorities in Support of Defendant's Motion for Summary Judgment</i>) filed by Jane Pansing Brown on behalf of Defendant United States Department of Justice. (Attachments: # <u>1</u> Vaughn Index)(Related document(s) <u>18</u>) (Brown, Jane) (Entered: 09/11/2018)
09/11/2018		Pursuant to the Court's August 7, 2018 Order, Plaintiff's suggestions in opposition to <u>18</u> Defendant's motion for summary judgment shall be file on or before 10/16/2018 unless otherwise directed by the court. Defendant's reply suggestions shall be filed on or before 11/6/2018 unless otherwise directed by the court. (Entered: 09/11/2018)
09/18/2018	<u>21</u>	NOTICE of filing <i>Amended Statement of Material Facts as to which there is no genuine issue</i> by United States Department of Justice re <u>19</u> Notice of filing, <u>18</u> MOTION for summary judgment (Attachments: # <u>1</u> Declaration with Exhibits 1 – 12)(Brown, Jane) (Entered: 09/18/2018)
09/18/2018	<u>22</u>	SUGGESTIONS in support re <u>18</u> MOTION for summary judgment <i>Amended Memorandum and Points of Authorities in Support of Defendant's Motion for Summary Judgment</i> filed by Jane Pansing Brown on behalf of Defendant United States Department of Justice. (Attachments: # <u>1</u> Vaughn Index)(Related document(s) <u>18</u>) (Brown, Jane) (Entered: 09/18/2018)
10/15/2018	<u>23</u>	MOTION for extension of time to file response/reply <i>to Defendant's Motion for Summary Judgment</i> filed by Stephanie Sowers Sankar on behalf of Bryan E Sheppard. Suggestions in opposition/response due by 10/29/2018 unless otherwise directed by the court. (Sankar, Stephanie) (Entered: 10/15/2018)
10/15/2018	24	ORDER granting <u>23</u> Plaintiff's unopposed motion for extension of time to file response to <u>18</u> Defendant's motion for summary judgment, and file motion for summary judgment. Plaintiff's response to Defendant's motion for summary judgment shall be filed by no later than 11/15/2018. Defendant shall file its reply by no later than 12/14/2018. Plaintiff shall file a motion for summary judgment, if he deems necessary, by no later than 12/3/18. Defendant's response shall be filed by no later than 1/15/19, and Plaintiff's reply shall be filed by no later than 2/5/19. Signed on 10/1/5/2018 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 10/15/2018)
11/13/2018	<u>25</u>	MOTION for extension of time to file response/reply <i>to Defendant's Motion for Summary Judgment</i> filed by Stephanie Sowers Sankar on behalf of Bryan E Sheppard. Suggestions in opposition/response due by 11/27/2018 unless otherwise directed by the court. (Sankar, Stephanie) (Entered: 11/13/2018)
11/13/2018	26	ORDER granting <u>25</u> Plaintiff's unopposed motion for extension of time to file response to <u>18</u> Defendant's motion for summary judgment. Plaintiff shall file his

		<p>response by no later than December 3, 2019. Defendant shall file its reply by no later than January 18, 2019. Plaintiff shall file a motion for summary judgment, if he deems necessary, by no later than December 3, 2019. Defendant's response shall be filed by no later than January 18, 2019. Plaintiff's reply shall be filed by no later than February 8, 2019. Additional requests for extensions of time may not be granted. Signed on 11/13/2018 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 11/13/2018)</p>
12/03/2018	<u>27</u>	<p>SUGGESTIONS in opposition to motion for summary judgment and CROSS Motion for Summary Judgment re <u>18</u> MOTION for summary judgment filed by Stephanie Sowers Sankar on behalf of Plaintiff Bryan E Sheppard. Defendant's Reply suggestions AND Suggestions in opposition due by 1/18/2019 as directed by Order No. 26. Plaintiff's Reply Suggestions re <u>27</u> due by 2/8/19 per Order No. 26 (Attachments: # <u>1</u> Plaintiff's Suggestions in Opposition to Defendant's Motion for Summary Judgment and in Support of Cross Motion for Summary Judgment, # <u>2</u> Declaration of Stephanie S. Sankar in Support of Plaintiff's Suggestions in Opposition to Defendant's Motion for Summary Judgment and in Support of Cross Motion for Summary Judgment)(Related document(s) <u>18</u>) (Sankar, Stephanie) Modified by the Clerk's Office on 12/4/2018 to also reflect as Plaintiff's Cross Motion for Summary Judgment and to reflect the appropriate response deadlines as ordered by Order No. 26 (Houston, Kiambu). (Entered: 12/03/2018)</p>
12/04/2018		<p>Set/Reset Deadlines as to <u>18</u> MOTION for summary judgment , <u>27</u> CROSS MOTION for summary judgment. Per Order Doc. 26 Suggestions in Opposition and Reply suggestions due by 1/18/2019. (Matthes Mitra, Renea) (Entered: 12/04/2018)</p>
01/11/2019	<u>28</u>	<p>MOTION for extension of time <i>in light of US Government cessation</i> filed by Jane Pansing Brown on behalf of United States Department of Justice. Suggestions in opposition/response due by 1/25/2019 unless otherwise directed by the court. (Brown, Jane) (Entered: 01/11/2019)</p>
01/28/2019	<u>29</u>	<p>ORDER granting <u>28</u> Defendant's unopposed motion for extension of time. Defendant shall file its response to Plaintiff's motion for summary judgment (Doc. #27) by no later than February 20, 2019, and Defendant shall file its reply in further support of its motion for summary judgment (Doc. #18) by no later than February 20, 2019. Plaintiff shall file his reply in further support of his motion for summary judgment within twenty-one days of Defendant's filed response. Absent extenuating circumstances, additional extensions of time likely will not be granted. Signed on 1/28/2019 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 01/28/2019)</p>
01/28/2019		<p>Set/Reset Deadlines as to [18, 27] motions for summary judgment. Reply to Defendant's Motion for Summary Judgment due by 2/20/2019. Opposition to Plaintiff's Motion for Summary Judgment due by 2/20/19. Reply to Plaintiff's Motion for Summary Judgment due by 3/13/19. (Kitsmiller, Julia) (Entered: 01/28/2019)</p>
02/19/2019	<u>30</u>	<p>Due to the impending winter storm, the Government has requested a one-day extension of time to file its summary judgment briefing if its counsel is unable to commute to work or the office is closed due to the weather. Given these circumstances, the Court grants the Government's request. If necessary, the Government shall file its reply to its summary judgment motion and its response to Plaintiff's motion for summary judgment by no later than February 21, 2019. Plaintiff shall file his reply to his motion for summary judgment by no later than March 14, 2019. Signed on 2/19/19 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 02/19/2019)</p>
02/20/2019	<u>31</u>	<p>RESPONSE to motion re <u>27</u> CROSS MOTION for summary judgment <i>and Reply to Plaintiff's Suggestions in Opposition to Motion for Summary Judgment</i> filed by Jane Pansing Brown on behalf of Defendant United States Department of Justice. Reply suggestions due by 3/6/2019 unless otherwise directed by the court. (Brown, Jane) (Entered: 02/20/2019)</p>
02/20/2019		<p>Reset Deadlines – Plaintiff's reply to his motion for summary judgment (Doc. #27) shall be filed by 3/14/2019 unless otherwise directed by the court. (Kitsmiller, Julia) (Entered: 02/20/2019)</p>

03/14/2019	<u>32</u>	REPLY SUGGESTIONS to motion re <u>27</u> CROSS MOTION for summary judgment filed by Stephanie Sowers Sankar on behalf of Plaintiff Bryan E Sheppard. (Attachments: # <u>1</u> Affidavit)(Related document(s) <u>27</u>) (Sankar, Stephanie) (Entered: 03/14/2019)
04/10/2019	<u>33</u>	ORDER directing Defendant to submit documents to the Court for in camera review by no later than April 24, 2019. Signed on 4/10/2019 by District Judge Ortrie D. Smith. (Kitsmiller, Julia) (Entered: 04/10/2019)
04/24/2019	<u>34</u>	MOTION for extension of time filed by Jane Pansing Brown on behalf of United States Department of Justice. Suggestions in opposition/response due by 5/8/2019 unless otherwise directed by the court. (Brown, Jane) (Entered: 04/24/2019)
04/24/2019	<u>35</u>	ORDER granting <u>34</u> Defendant's motion for extension of time to provide documents to the Court for in camera review. By no later than May 10, 2019, Defendant shall provide the documents identified in and comply with the Court's April 10, 2019 Order (Doc. #33). Signed on 4/24/2019 by District Judge Ortrie D. Smith. This is a TEXT ONLY ENTRY. No document is attached. (Kitsmiller, Julia) (Entered: 04/24/2019)
05/09/2019	<u>36</u>	NOTICE of filing <i>In Camera Submission of Unredacted 2011 Memorandum and Accompanying Documents</i> by United States Department of Justice re <u>33</u> Order (Brown, Jane) (Entered: 05/09/2019)
08/06/2019	<u>37</u>	ORDER entered by Judge Ortrie D. Smith denying <u>18</u> Defendant's motion for summary judgment and denying <u>27</u> Plaintiff's cross motion for summary judgment. Signed on 8/6/19 by District Judge Ortrie D. Smith. (Matthes Mitra, Renea) . Modified on 8/7/2019 Order replaced to correct an error on the final page. NEF regenerated.(Matthes Mitra, Renea). (Entered: 08/06/2019)
08/20/2019	<u>38</u>	MOTION for extension of time to file amended Vaughn index filed by Jeffrey P. Ray on behalf of United States Department of Justice. Suggestions in opposition/response due by 9/3/2019 unless otherwise directed by the court. (Ray, Jeffrey) (Entered: 08/20/2019)